## FORM FOR USE IN APPLICATIONS

FOR HABEAS CORPUS UNDER 28 U.S.C. \$2254

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Name		RAP. MACHETS OLD	-
208921		DLE DISTRICT ALA	•
Prison-Number			
Lasterling Corr. Fac.		-	
			,
Place of Confinement	•		•
United States District Court M. dd/C	_ District of	Alabama	: :
Case No. 2. M. W. 472-MT			
(To be supplied by Clerk of U. S. District Court)			
Courtney 1304		, PETITIONER	•
(Full name) (Include name under which you were conv	icted)		
Zulanden 1307		, RESPONDENT	
(Name of Warden, Superintendent, Jailor, or authori- having custody of Petitioner)	zed person		
	· •		
and THE ATTORNEY GENERAL OF THE STATE OF Alchana			
Tray Kinu		. ADDITIONAL RESI	PONDENT
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(if petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where the judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. \$2255, in the federal court which entered the judgment.)

## PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

## INSTRUCTIONS--READ CAREFULLY

. (1) This petition must be legibly handwritten or typewritten and signed by the petitioner under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.

The Judicial Conference of the United States has adopted, effective 1/1/83. the 8-1/2 x 11 inch paper size standard for use throughout the federal judiciary and directed the elimination of the use of legal size paper. All pleadings, etc. filed after 12/31/82 must be on 8-1/2 x 11 inch paper, otherwise we cannot accept them.

- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary filing fee, you may request permission to proceed in forma pauperis, in which event you must execute the declaration on the last page, setting forth information establishing your inability to prepay the fees and costs or give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (5) Only judgments entered by one court may be challenged in a single petition. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions as to each court.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, the original and two copies must be mailed to the Clerk of the United States District Court whose address is P. O. Box 711, Montgomery, Alabama 36101
- (8) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.
  - \*If you are proceeding in forms pauperis, only the original petition needs to be filed with the Court. PETITION
- Name and location of court which entered the judgment of conviction under attack Montagnery C. 4 Chit Pourt Date of judgment of conviction 11-18-99 3. Length of sentence 20 years Sentencing Judge 1-6-200 Nature of offense or offenses for which you were convicted: Robbert I 4. 5. What was your plea? (check one) (a) Not guilty (())

  - (b) Guilty
  - (c) Nolo contendere ( If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6.	<pre>Kind of trial: (Check one) (a) Jury ( ) Ch) Judge color ( )</pre>
	(b) Judge only ( )
7.	Did you testify at the trial? Yes () No ( )
8.	Did you appeal from the judgment of conviction? Yes $(\vee)$ No ( )
9.	If you did appeal, answer the following:  (a) Name of court (yet of Criminal Appeal)  (b) Result Affirmed in memoroacours  (c) Date of result (yet 19700)  If you filed a second appeal or filed a petition for certiorari in the Supreme Court, give details: Alchang Supreme Last NO
	Of the Control of the
10.	Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal? Yes (V) No ()
11.	If your answer to 10 was "yes", give the following information:  (a)(1) Name of court  (2) Nature of proceeding Rule JZ
	(3) Grounds raised Ineffective ASS. Hance of Court
	(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ( ) No (()) (5) Result
	(1) Name of court Circuit Cant
	(2) Nature of proceeding Page 72
	(3) Grounds raised Lindonstitutionary of statete 17A-4-61
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	(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ( ) No ( )
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(6) Date of	result	MI	W 287	an4			
) Did you app	al to the h	ighest st	ate court	having	jurisdic	tion th	e res
of any action	on taken on	any petit	ion, appli	cation	or motic	n:	
(1) First per			Yes (V)	No (	)		
(2) Second po			Yes (())	No (	)	•	
(3) Third per			Yes ( ' )		)	44	
If you did r						tion, a	pplic
tion or moti	ion, explain	briefly v	why you di	d not:			
			· ·				<u> </u>

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. As to all grounds on which you have previously exhausted state court remedies, you should set them forth in this petition if you wish to seek federal relief. If you fail to set forth all such grounds in this petition, you may be barred from presenting them at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted all your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

If you select one or more of these grounds for relief, you must allege facts in support of the ground or grounds which you choose. Do not check any of the grounds listed below. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

(a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.

Document 1

- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure, [where the state has not provided a full and fair hearing on the merits of the Fourth Amendment claim].
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest, [where the state has not provided a full and fair hearing on the merits of the Fourth Amendment claim].
- (e) Conviction obtained by a violation of the privilege against selfincrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defen-
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

Ground	one: Illegal arrest Conviction Sentenced	
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D. Ground four:  Supporting FACTS (tell your story briefly without citing cases of law):  If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal state briefly what grounds wo not so presented, and give your reasons for not presenting them: These Claims part not present; to can state least beliefly that for the present that he next that a Company Completed that he next that he could be company to a the country that the law of the country that any the country that the country the country that are federal, as to the judgment under attack? Yes ( ) No ( )  Give the name and address, if known, of each attorney who represented you the following stages of the judgment attacked herein:  (a) At preliminary hearing	c.	Ground three:
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	the :	following stages of the judgment attacked herein:

(c)	At trial Windon Durran
(4)	At sentencing Same
(e)	On appeal Durin 1 G. Hung.
(f)	In any post-conviction proceeding have belong tacke
(g) -	On appeal from any adverse ruling in a post-conviction proceeding:
tha	re you sentenced on more than one count of an indiciment, or on more an one indiciment, in the same court and at the same time?
17 Do	you have any future sentence to serve after you complete the sentence
imp	posed by the judgment under attack?
	) If so, give name and location of court which imposed sentence to
	be served in the future:
(ъ)	And give date and length of sentence to be served in the future:
(c)	Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?  Yes ( ) No ( )
	erefore, petitioner prays that the Court grant petitioner relief to e may be entitled in this proceeding.
	Signature of Attorney (if any)
I	declare ( or certify, verify, or state) under penalty of perjury that the
foregoli	ng is true and correct. Executed on(date)
•	
	Cullet Ind
	Signature of Petitioner

Lantacy BORD # TORGE/ 6-1-4 EASTERLING CORRECTIONAL FACILITY 200 WALLACE DRIVE CLIO, ALABAMA 36017 Unter 2 more - work 12

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"This correspondence is forwarded from an Alabama State Prison. The contents have 'ot been evaluated, and the Alabama Department of orcontentions is not responsible for the substance or content of the enclosed communication."